

REMARKS/ARGUMENTS

This amendment is made in response to the Office Action dated September 13, 2002. Therein, the Examiner rejected independent claims 1 and 25 based on Fischell, U.S. Patent No. 5,697,971 under 35 USC § 102(b). The Examiner also rejected independent claim 1 under 35 USC § 103(a) as unpatentable over Cox et al., U.S. Patent 6,273,911 in view of Klein et al., U.S. Patent 5,922,020.

The amendments made herein are made in an effort to clarify the invention, and not to distinguish over the art. It is believed that these claims are already properly distinguished over the cited art. However, in order to further clarify the independent claims, it is now shown that the curved sections of the ring-like struts are formed so as to taper from their middle to the ends. It is respectfully submitted that this is nowhere disclosed in any of the art, including Fischell '971. The Examiner seems to refer to Figure 7 of Fischell '971, as disclosing tapered sections in the "u-shaped" members. However, even any of the members of Fischell '971 are not tapered in the fashion as claimed by the current invention. That is, the curved sections are tapered outwardly so as to give greater rigidity at the curve portion, while maintaining rigidity at the tapered portion due to their connection to a diagonal strut member. In this fashion, as is well explained in the specification, one is able to use different materials than stainless steel, such as cobalt chromium based alloys like (MP-35N and L-605).

The disclosure supporting this reference is seen especially well in Figure 6 and the accompanying written description to Figure 6. Since this is nowhere disclosed in Fischell '971 or any of the cited art references, it is earnestly solicited that claims 1 through 25 have always been in condition for allowance. This amendment merely places them in further condition for allowance. A notice indicating their allowability is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Serial No. 09/899,147

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 1 and 25 as follows:

- 1/2. A stent in the form of a thin-walled, multi-cellular, tubular structure having a longitudinal axis, the stent comprising a multiplicity of circumferential sets of strut members, each set of strut members being longitudinally separated each from the other, each set of strut members being connected to adjacent sets of strut members by longitudinal connecting links and each set of strut members forming a closed, ring-like cylindrical portion of the stent, each set of strut members consisting of a multiplicity of connected curved sections and diagonal sections, each curved section having two ends and a center situated there between, at least one set of strut members having at least half of the curved sections within the set of strut members having a tapered shape wherein the width at the center of a curved section with a tapered shape is greater than the width at the ends of a curved section with tapered shape such that the curved section tapers outwardly from its center.
25. A stent in the form of a thin-walled, multi-cellular, tubular structure having a longitudinal axis, the stent comprising a multiplicity of circumferential sets of strut members to form a ring around the circumference of the strut, each set of strut members being longitudinally separated each from the other around the stent, at least one set of strut members connected by a curved section having a tapered shape wherein the width at the center of a (strut portion) curved section with a tapered shape is greater than the width at the ends of a strut portion with a (tapered shape) curved section.